

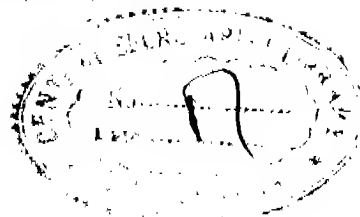


भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 1
PART II—Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY



सं० 107] नई दिल्ली, शुक्रवार, जून 25, 1976/अषाढ़ 4, 1898
No. 107] NEW DELHI, FRIDAY, JUNE 25, 1976/ASADHA 4, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 25th June, 1976/Asadha 4, 1898 (Saka)

The following President's Act is published for general information:—

THE TAMIL NADU MUNICIPAL COUNCILS (APPOINTMENT OF SPECIAL OFFICERS) ACT, 1976

No. 28 OF 1976

Enacted by the President in the Twenty-seventh Year of the Republic of India.

An Act to provide for appointment of Special Officers to Municipal Councils in the State of Tamil Nadu.

41 of 1976.

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976, the President is pleased to enact as follows:—

1. (1) This Act may be called the Tamil Nadu Municipal Councils (Appointment of Special Officers) Act, 1976.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) "councillor" shall have the meaning assigned to it in section 38 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971;

(b) "District Municipalities Act" means the Tamil Nadu District Municipalities Act, 1920;

(c) words and expressions used and not defined in this Act but defined in the District Municipalities Act shall have the meanings respectively assigned to them in that Act.

Short
title and
com-
mence-
ment,
Defini-
tions.

Tamil
Nadu Act
22 of 1971.
Tamil
Nadu Act
V of
1920.

Term of office of councillor of the Municipal Councils to expire on the 30th day of June, 1976.

Appointment of Special Officers to exercise the powers and perform the functions of Municipal Councils.

3. Notwithstanding anything contained in section 40 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971, the term of office of the councillors of all the Municipal Councils in the State of Tamil Nadu, holding office as such on the date of commencement of this Act, shall expire on the 30th day of June, 1976 and accordingly, all such councillors of all Municipal Councils, including the chairmen and vice-chairmen of such Municipal Councils and members of the Committees established or constituted by or under the District Municipalities Act shall vacate their office on the 30th day of June, 1976.

Tamil Nadu Act 22 of 1971.

4. (1) (a) Notwithstanding anything contained in the District Municipalities Act, the State Government shall appoint Special Officers to exercise the powers and perform the functions of the Municipal Councils referred to in section 3, of the chairmen of such Municipal Councils and of the Committees established or constituted by or under the District Municipalities Act.

(b) A Special Officer may be appointed under clause (a) for one or more Municipal Councils as the State Government may, by order, specify.

(2) Each Special Officer referred to in sub-section (1) may also exercise all or any of the powers and perform all or any of the functions of the Executive authority or any other officer or authority under the District Municipalities Act, which the State Government may, by notification, specify.

(3) (a) Each Special Officer shall hold office for a period of one year on and from the 1st day of July, 1976:

Provided that if any vacancy arises in the post of a Special Officer, the vacancy shall be filled up by the State Government and the person appointed in the vacancy shall hold office for the remainder of the said period of one year.

(b) A Special Officer shall receive payment for his services from the municipal fund constituted under section 119 of the District Municipalities Act.

(c) The State Government may determine the relations of a Special Officer with themselves.

(4) The Executive authority shall, in the exercise of the powers and performance of the functions under the District Municipalities Act, be subject to the control and superintendence of the Special Officer.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India,

Reasons for the enactment

Under section 40 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971), the term of office of councillors of all Municipal Councils except the Coimbatore Municipal Council was extended up to the 1st July, 1976. The last extension was necessitated in view of the continuing conditions of drought and scarcity in the State.

2. Before holding elections to the Municipal Councils, the existing municipal electoral rolls will have to be up-dated. The other formalities like publication of the election notice, printing of ballot papers, training of polling personnel, etc., will also take time. Hence, it will not be possible for the State Government to hold elections to the Municipal Councils before the 1st July, 1976.

3. The Government of Tamil Nadu have, therefore, decided that on the expiry of the present term of office of the councillors of all the Municipal Councils, Special Officers may be appointed to exercise the powers and perform the functions of the Municipal Councils and their Chairmen for a period of one year from the 1st July, 1976.

4. The Bill seeks to achieve the above object.

5. The President issued a Proclamation on the 31st January, 1976, under article 356 of the Constitution, in relation to the State of Tamil Nadu declaring *inter alia* that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament. Parliament has, under article 357(1) (a) of the Constitution, now conferred on the President, the powers of the Legislature of the State of Tamil Nadu to make laws *vide* the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976).

6. In view of the urgency of the matter, it is not practicable to consult the Consultative Committee of Parliament on Tamil Nadu Legislation. The measure is accordingly being enacted without reference to the Consultative Committee.

MIR NASRULLAH,

*Joint Secretary to the Government of India,
Ministry of Works and Housing.*

